IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3317 OF 2004

1. Shri Gendalal Ramnarain Gautam
and ors. .. Applicants

Vs

The State of Maharashtra, .. Respondent

Ms A.A.Walawalkar i/b Mr.O.P.Pandya, for the applicants.
Mr K.V.Saste, APP for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 24th AUGUST, 2004.

PC:

1. Heard the learned counsel for the parties.

2. The applicants have approached this Court for being released on bail in C.R.No.I-21/2004 registered at Vani Police Station mainly under section 302 of Indian Penal Code.

3. It is the prosecution case that on 7.3.2004 all the accused committed murder of one Premsingh Sundersingh. In so far as the present applicants are concerned, according to all the eye-witnesses, they allegedly assaulted the deceased with fist and kick blows. I Perused the post mortem report. Considering their role

and the nature of the injuries suffered by the deceased which, in my opinion, could be attributed to the accused who assaulted the deceased with wooden plank. Keeping that in view and considering the settled position of law that even in a case the accused are tied up with the aid of section 120-B or 147 IPC, role of each person can certainly be evaluated for the purpose of bail and those whose role is not serious can be more liberally considered, I am inclined to enlarge the applicants on bail.

4. The applicants are directed to be enlarged on bail on their furnishing personal bonds of Rs.5000/- each with two local sureties of the like amount to the satisfaction of the trial Court, subject to the condition that they shall report the concerned Police Station on every Wednesday and Saturday between 6 pm and 7 pm for a period of three months and thereafter on every alternate Saturday between 6 pm and 7 pm till the conclusion of the trial.

. The application is disposed of.

. While allowing this application, I shall not be understood to have expressed any opinion on merits of the case. The Sessions Court shall decide the case uninfluenced by the observations made in this order.

(D.B.BHOSALE, J.)